

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

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AMPEX CORPORATION,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 04-1373 (KAJ)
	)	
EASTMAN KODAK COMPANY,	)	
ALTEK CORPORATION, and	)	
CHINON INDUSTRIES, INC.,	)	
	)	
Defendants.	)	
	)	

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**CERTIFICATE PURSUANT TO RULE 10(b)(1)(B), F. R. APP. P., AND  
STATEMENT OF ISSUES PURSUANT TO RULE 10(b)(3)(A), F. R. APP. P.**

Pursuant to Rule 10(b)(1)(B), F. R. App. P., Ampex Corporation (“Ampex”), Plaintiff in the above named case, certifies that it is not ordering transcripts, all pertinent transcripts having already been prepared and filed in this action.

Pursuant to Rule 10(b)(3)(A), F. R. App. P., Ampex states that it intends to present the following issues on appeal:

(i) The correct construction of the terms “video data,” “video pixel data,” “data set,” “image data set,” “the video data,” “the video pixel data”; “said video pixel data”; “the data sets”; “said image data sets,” “external source,” “image” and “the image;” and consequently whether the portion of the claim construction Order (D.I. 473) entered October 26, 2006, construing the aforesaid terms, and the portions of the Memorandum Opinion (D.I. 472) entered October 26, 2006, directed to the construction of the aforesaid terms, should be vacated to the extent inconsistent with said construction;

(ii) Whether the October 31, 2006 Order (D.I. 480) granting Defendants' motion for summary judgment of non-infringement, on the ground of no literal infringement, should be reversed; and

(iii) Whether the October 31, 2006 Order (D.I. 480) granting Defendants' motion for summary judgment of non-infringement, on the ground of no infringement under the doctrine of equivalents, should be reversed.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Julia Heaney

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December 11, 2006

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**CERTIFICATE OF SERVICE**

I, Julia Heaney, hereby certify that on December 11, 2006, I caused to be electronically filed the foregoing with the Clerk of the Court using CM/ECF, which will send notification of such filing(s) to the following:

Collins J. Seitz, Jr., Esquire  
Connolly, Bove, Lodge & Hutz LLP

and that I caused copies to be served upon the following in the manner indicated:

**BY HAND**

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\_\_\_\_\_  
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